



APPROVED

KITTERY PORT AUTHORITY

August 1, 2013 Meeting Minutes

Council Chambers, Town Hall

Members Present: Bob Melanson, Chairman, Kelly Philbrook, Tom Smith, Barry Bush, Ray Grenier, Steve Lawrence

Members Absent: Dan Arbo,

Staff: Harbormaster Mike Blake

The meeting of August 1, 2013 was called to order at 6:03 p.m.

- Pledge of Allegiance
- Minutes
 - June 6, 2013
Mr. Bush moved to approve the minutes as amended
Mr. Grenier seconded
Motion carried unanimously by all members present
 - July 10, 2013
Mr. Bush moved to approve the minutes as submitted
Mr. Smith seconded
Motion carried unanimously by all members present

3. Public Segment

- Milton Hall –
 - Inquired about the Ted Brown mooring status. Mr. Melanson explained the mooring no longer exists.
 - 40-foot wide Navy craft in the Back Channel has a difficult time getting around lobster traps, and the speed sign is in the middle of channel as well.
 - At the Town Council meeting it was said mooring fees had not gone up since 2010, but each his fees have increased each year and will again this year.
 - There were kids playing on the winch at Government Street pier.
 - When is KPA going to rule that BIG project is complete for a public hearing? Mr. Melanson stated the public hearing was conducted in May. Mr. Hall noted there was no vote made at the public hearing.
- Dick Draper, Kittery Point, noted his concern about the BIG project's impact on lobster traps and floats, especially in May and June. The design does not make it usable by fishermen, leaving them with only one float for all activities. Utilities are needed, and he supports that, but accommodating fishermen in the spring is an issue that needs to be addressed.
- George Dow, Kittery Point, noted he reviewed unapproved minutes regarding the process by which the BIG project was moved forward by the KPA:
 - In the March minutes Ms. Philbrook noted her concern that the project had been rushed, fees raised, and funding of the project should not be the responsibility of the KPA; those employed by the KPA do not receive the same benefits as Town employees and should be handled by the DPW or Parks; Mr. Melanson noted the process has been supported by the Town and the 1990 master plan supports this direction.
 - Mr. Dow noted he did not believe the Council had been supportive with the fee increases. He asked if there is a master plan for the BIG project. Mr. Melanson noted the business plan is before the KPA and is on the evenings agenda.

- In the April minutes, Mr. Smith *moved to accept the BIG project plan subject to all required permits and forward to the Planning Department for review.* A public hearing by the Planning Board was held on May 2, 2013 and was not reviewed by the Planning Board until May 23 where they found there were no upland development issues. There is no indication the KPA has voted on this project following Planning Board review. It is important the Board take a vote on this project.
- He asked about the Harbormaster review in Executive Session, also in April. Mr. Melanson noted the Harbormaster reports to and his performance is reviewed by the KPA.
- In the May Planning Board minutes, he referenced Mr. Hall's question about revenue. Mr. Melanson responded that *there is a \$50-\$65,000 operating budget with revenues from transient boaters and pump out fees.* He noted the BIG project shows only \$42,000 in revenue and is concerned there is insufficient revenue to support the project.

There was no further public testimony.

4. Budget Report - Year to date Operating Income & Expense- Mike Blake

- FY 14 budget has not yet been downloaded to reflect expenses against budget.
- The total FY 14 budget is down \$10,750 from FY 13, totaling \$108,091.
- Transient/launch fee income was over \$3,400 in July.
- The Workers' Comp line item was reduced.
- There was a budget surplus for FY13, and this was applied to other town departments.

5. Harbormaster Report- Mike Blake

- With Maine Marine Patrol, aided in the search of a lost diver in front of the NH State Pier. Mr. Grenier explained the Coast Guard requested they remain on scene until they arrived. The following day, sonar was employed to locate the diver, who later surfaced without a weight belt.
- Ordered and received Port Authority hats and uniform shirts.
- Coordinated with Ms. Philbrook the wording of the Frisbee family memorial plaque, and provided proof for review and approval. Ms. Philbrook forwarded ideas to the Frisbee family and, following their approval, submitted design and wording to KPA members. Following discussion regarding costs and appropriate material for the plaque:

Mr. Grenier moved to authorize Harbormaster Blake to order the Frisbee Wharf memorial plaque in bronze with raised black lettering.

Ms. Philbrook seconded

Motion carried unanimously by all members present

- Railing repair in progress at Frisbee Pier parking lot;
- Ordered two 'No Wake' buoys from Custom Float;
- Installed a hand rail on the Government Street pier to increase safety in accessing the ladder, a new pulley will be installed, and a new barrier will be installed along the broken fence area;
- Removed two derelict floats at Traip with the help of the DPW and Bob Melanson & Paul Bourke;
- Met with the DPW to discuss the Shore and Harbormaster plan;
- Took Tax Assessor to Appledore, Cedar and Smuttynose Islands to update tax records.
- Sail Portsmouth – Parade of Sail scheduled for August 2, 2013 at NH State Pier. The US Coast Guard Eagle, tug Shackle, and the gundalow, Piscataqua will lead the parade, ahead of private vessels.

Mr. Smith stated DPW was to install a hand rail at Government Street on the upland side.

Harbormaster Blake stated they are addressing this.

6. Marinas Piers and Floats

- 62 Pepperrell Road: Construct a 6' x 100' Pier with a 4' x 55' Aluminum Gangway and a 12' x 30' float system.

Mr. Melanson noted that he, Tom Smith, Barry Bush and Ray Grenier visited this site and the 92 Whipple Road site.

Mr. Taylor summarized the application. The proposed pier is fixed and is designed to extend out over the existing ledge, without exceeding the 150-foot length. The application has been submitted to MDEP, the ACOE, Submerged Lands, and the Historic Preservation Commission. The Bureau of Parks and Lands representative has submitted no report to date, but indicated he has no issues with the proposal.

Ms. Philbrook moved to accept the application for 62 Pepperrell Road and schedule a public hearing
Mr. Bush second

Motion carried unanimously by all members present

- 92 Whipple Road: Reconfigure an existing gangway and float system located by pilings for deepwater access.

Mr. Taylor summarized the application, noting the plan has been revised from the original submittal per the Bureau of Submerged Lands recommendation in order to increase the distance from the abutting property's float. There is currently a string of five floats, and the proposal is to replace the existing gangway with a 3'x35' gangway and reposition the upriver float to allow deepwater access. The ACOE approval has been received and they are awaiting DEP and Bureau of Submerged Lands permits.

Mr. Smith noted there are no measurements on the plan indicating the length of the floats or the dock.

Mr. Bush moved to accept the application and schedule a public hearing

Mr. Smith seconded

Motion carried unanimously by all members present

7. Projects:

- BIG Business Plan Town Council Workshop

Mr. Melanson noted the Bid Opening summary for the BIG project were received, with Prock Marine submitting the lowest bid. He noted the utilities will be covered by state highway funding received by the DPW. All Councilors in attendance, including George Dow, indicated a good level of support for the project, though Councilor Dennett was 'lukewarm'. Mr. Dow requested a management plan for a workshop on August 12.

Ms. Philbrook stated she does not support a project that raises fees, again. She noted she and others run a business, but their business is dependent upon the water and weather, which can devastate a business in a bad year. She stated the business plan is based on a best-case scenario and an increase in resident fees, which she does not support. Mr. Melanson noted he has discussed creating access by fishermen with Mr. Draper. He noted the estimated revenues are based on only 50% use, and 40% of the mooring holders are not residents. Councilors Guy and Thompson were supportive of the figures. Mr. Lawrence concurred with Ms. Philbrook, and noted the launch service has not been discussed and Tom Allen indicated he isn't sure he wants to be part of a launch service. If he could rewind the clock he would not have voted in favor of the project, as he thought he was voting just to forward to the Planning Board, and believes the project is too large for the Town. Mr. Grenier noted he thinks the numbers are closer to 70% full. Mr. Melanson noted pump-out services, utilities, an ADA gangway and better services come with the project. Permits have been released by the ACOE and the DEP and the Submerged Lands permit is anticipated. Mr. Bush noted this proposal was supported by the KPA when they approved the filing of the grant by the former Harbormaster Bion Pike. The grant was received, and a design has been submitted and reviewed. The docks and floats do not exclude use by the fishermen, and the KPA has supported this process for some time now. Mr. Lawrence asked where the revenue will come from if the facility is not used. Mr. Melanson stated the

forecasted income is modest, and advertising will encourage more use. Mr. Grenier asked how a storm will impact this proposed structure. Mr. Bush noted if a disassembly cannot be done quickly, this could be a problem. Mr. Smith noted the designer stated this has been addressed. Though some years may be light, other years may double expectations. He believes the harbor water usage fee is under-estimated, and the mooring fees should be reduced while raising the water usage fee. Further, the Town should not be absolved of all the expenses associated with the costs of the project as it is not dissimilar from the Community Center, and not everyone uses the Center either. This is a work in progress that needs to be sorted out. Mr. Melanson noted there are enforcement issues regarding water usage fees for those who do not register their vessels in Kittery. He noted the average mooring fee at Pease Development Authority is just over \$300; in the Sound Basin the fee is \$850. Ms. Philbrook noted the Sound Basin moorings include maintenance. Mr. Bush stated chain replacement at a mooring would be approximately \$500. Discussion followed regarding budget expenses and project revenue, launch services and fees. Mr. Smith asked if the new facility will be supporting the KPA. If there is a surplus from year to year, the KPA should keep the surplus to cover the lean years which are inevitable. Ms. Philbrook noted there is significant maintenance tied to a facility they are required to manage for 20 years. Mr. Bush asked about insurance to cover float damage. Mr. Melanson stated the insurance policy does not cover damage as this would be too costly, but that costs to replace damages to piers and floats have been included in the CIP.

Mr. Bush moved to approve the Business Plan as presented to the Council on July 22, 2013, and forward to Council for consideration at the August 12, 2013 meeting.

Mr. Smith seconded

Mr. Lawrence asked if the mooring revenue is based on the new fees. Mr. Melanson stated it is. Mr. Bush suggested increases and decreases in the budget be identified. Mr. Melanson stated the Council has not asked for further information on the budget, but rather the business/management plan. Mr. Smith suggested the numbers could be tweaked in the future.

Motion carried: 4 in favor; 0 opposed; 2 against (Lawrence & Philbrook)

- Comprehensive Harbor Plan

Mr. Melanson and Mike Blake attended a meeting with Tom Allen, David Kaselauskas, Jon Edgerton of Wright-Pierce, Peter Walsh and Mary Ann Conroy. Another public session will be held in September.

- Rice Ave

- Dredge Project

David Kaselauskas has spoken with Jim Austin and Dean Howells who are in support of going forward with the project. Jon Edgerton of Wright-Pierce, has instituted a Ship Grant to fund the planning, and there is DOT funding to put the materials in place.

8. New Business:

- Trash at Government St.

Mr. Lawrence stated Ben Paige and Ryan Lynch cleaned the area, noting the trash came from an apartment house on Knight Ave. He suggested signage is needed to prohibit storing of bait in the area, but they will be patrolling. He asked what his role is when he gets a call, and what he can do. Mr. Melanson stated he should contact the Harbormaster and the Chairman. If the problem continues, it should come to the Authority. Mr. Lawrence believes the message has been received and should not be a problem in the future. His cousin will take away abandoned bait barrels if he had a place to take them. Mr. Blake will check with DPW for a location.

- Government Street hoist – Mr. Melanson stated there will be cameras in place, linked to the Police Department. Ms. Philbrook stated when a fisherman told them not to swing from the hoist, he was cursed. She told him to call the Police. Mr. Blake stated the Police will respond if called. Ms.

Philbrook suggested signage be installed regarding the hoist. Mr. Blake stated he will speak with DPW, but with the budget cuts it may take longer than usual.

- Kittery Mooring Fields

The subcommittee will address this at the September KPA meeting, including identifying more mooring areas.

9. Correspondence & Comments: None

10. Board Members – New & Old Business

Ms. Philbrook:

At tonight's meeting the KPA moved to accept two project applications and called for a public hearing in September. This is not how the BIG project was handled. She understood that her vote in April was only to forward to the Planning Board for their review. Since she was in the majority on this motion in April, she is asking for a re-consideration of the vote at this time. The proper procedure is to accept, call a public hearing, and then vote to approve at the public hearing. Both she and Steve Lawrence understood the project was simply to accept the plan and forward to the Planning Board. Mr. Melanson stated it was not the intent to mislead her or Mr. Lawrence. Mr. Bush stated a re-consideration could be made if the majority agrees to one, and a re-consideration will put the question in a clear light. Mr. Smith agreed to provide a motion for re-consideration.

Mr. Smith moved to approve the BIG project, following the Public Hearing which was held on May 2, 2013.

Mr. Bush seconded

Mr. Grenier asked if the design is final. Mr. Melanson stated the bid documents are based on the design, but his input is welcomed regarding any aspect of the design as the process proceeds.

Motion carried: 4 in favor; 0 opposed; 2 against (Lawrence & Philbrook)

Mr. Smith: Can the KPA collect launch fees for those launching kayaks at Ft. Foster. Ms. Philbrook stated they pay a fee to enter Ft. Foster.

Dock signage: Signage is needed to identify the recyclable bin and provide information.

Mr. Melanson: He and Harbormaster Blake met with the Chief of Police regarding the consolidation of Harbormaster duties with Eliot and Kittery. The duties are more limited in Eliot and could be handled by the Harbormaster and Assistant Harbormaster.

Mr. Bush moved to adjourn to Executive Session to address the re-appointment of Dan Arbo, whose term expires in August, 2013

Mr. Smith seconded

Motion carried unanimously by all members present

The regular meeting adjourned at 8:17 p.m.

Executive Session

11. Adjourn

The KPA meeting of August 1, 2013 adjourned at 8:30 p.m.

Submitted by Jan Fisk, August 8, 2013